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Attorneys for Defendant

Bankrate, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398

Hon. Esther Salas, U.S.D.J.

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS PURSUANT TO
FED. R. CIV. P. 12(B)(6)**

The above matter having been opened to the Court by Lowenstein Sandler PC, attorneys for Defendant Bankrate, Inc., upon application for an Order granting Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) against Plaintiff BanxCorp, and the Court having considered the papers submitted and the arguments of counsel, if any, and for good cause shown,

It is on this _____ day of _____, 2012, hereby

ORDERED that the Defendant's Motion to Dismiss Portions of the Fifth Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) is hereby **GRANTED** as set forth herein; and it is further

ORDERED that Plaintiff BanxCorp's First, Second, Third, and Fifth Claims for Relief are hereby dismissed with prejudice, except as they pertain to alleged agreements with LendingTree LLC.

Hon. Esther Salas, U.S.D.J.